

**Notice of Allowability**

Application No.

10/829,540

Applicant(s)

FOLKENS ET AL.

Examiner

Thomas J. Williams

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to August 24, 2005.
2. ☒ The allowed claim(s) is/are 2,3,5,6,8-17 and 19-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 8/24/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen B. Heller on July 20, 2005.

The application has been amended as follows:

Claims 8, 9 and 22 have been rewritten as the following:

8. A vibration damper according to claim 5 wherein said receptacle and said plunger are cylindrical.
9. A vibration damper according to claim 6 wherein said receptacle and said plunger are cylindrical.
22. A vibration damper for a machinery mount having a top member, and a bottom member disposed below and spaced from the top member and adaptable to be positioned on a substructure, comprising:
  - (a) a receptacle closed at the bottom and open at the top for vertical disposition on the bottom member so as to have opposed parallel walls as viewed in cross-section, and having a top marginal edge spaced from the top member, thereby defining a chamber adaptable for containing viscous medium;

(b) a plunger depending downwardly from the top member for vertical disposition partially within said receptacle and concentric therewith; said plunger having opposed parallel walls as viewed in vertical cross-section, and of the same configuration as said receptacle when viewed in plan, thereby defining a circumferential channel with the walls of the receptacle in which the viscous medium is free to flow, said plunger being spaced from said closed bottom of said receptacle so as to be submerged partially in the viscous medium contained in said chamber, and to be free to reciprocate vertically with reference to said receptacle;

(c) a transversely disposed plate member affixed at about the bottom of the plunger, said plate member having a plurality of apertures to provide fluid communication between said receptacle and said plunger, one or more strengthening members disposed within said plunger and between said top member and said plate and affixed thereto, said plunger and said strengthening members having an opening at a location above the viscous medium to allow for the circulation of air, whereby reciprocation of said plunger allows said viscous medium to pass through said apertures and allows movement of said viscous medium in said circumferential channel between the walls of the receptacle and plunger; and

(d) a first tube downwardly depending from said top member and spaced between said receptacle and said plunger, a second tube spaced between said first tube and said plunger and extending upwardly from said bottom member, said second tube having an opening at about the level of said viscous medium thereby maintaining an equal level of

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viscous medium, said first and second tubes of the of the same configuration of said receptacle and said plunger when viewed in plan.

Claim 18 has been cancelled.

*Allowable Subject Matter*

2. Claims 2, 3, 5, 6, 8-17 and 19-22 are allowed.
3. The following is an examiner's statement of reasons for allowance: with regards to claim 19, the prior art of record fails to anticipate or render obvious a vibration damper having a top member and a bottom member, with a plunger depending downwardly from the top member and partially submerged in a receptacle containing a viscous fluid, wherein the plunger is provided with a side wall having a top marginal edge spaced from the top member. With regards to claim 22, the prior art of record fails to anticipate or render obvious a vibration damper having a top member and a bottom member, with a plunger depending downwardly from the top member and a receptacle vertically disposed on the bottom member, and further provided with a first tube downwardly depending from the top member and a second tube extending upwardly from the bottom member, wherein the second tube is spaced between the first tube and the plunger.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Williams whose telephone number is 571-272-7128.

The examiner can normally be reached on Monday-Thursday (6:30-4:00) alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJW  
November 16, 2005

THOMAS WILLIAMS  
PATENT EXAMINER

Thomas Williams  
AV 7653  
11-18-05